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In re Application of  
 ITO et al.  
 Application No.: 10/585,593  
 PCT No.: PCT/JP05/00171  
 In. Filing Date: 11 January 2005  
 Priority Date: 08 January 2004  
 Atty. Docket No.: NAI1127769  
 For: COMPOUND HAVING CROSSLINKED  
 POLYROTAXANE AND PROCESS FOR PRODUCING  
 THE SAME

DECISION on  
 REQUEST

This is in response to applicant's "Request for Refund" filed 19 August 2009 in the United States Patent and Trademark Office (USPTO).

### BACKGROUND

On 10 July 2006, within the thirty month deadline, applicant filed a transmittal letter requesting national stage entry for international application No. PCT/JP05/00171 along with the basic national fee, search fee and examination fee. Applicant authorized the payment of any additional fees which may be required to be charged to his deposit account. The deposit account was charged \$1460 in claims fees.

On 19 August 2009, applicant filed the instant request for refund of \$992 for claim fees to his deposit account.

### DISCUSSION

Applicant acknowledges payment of \$900 for the basic national fee, examination fee and search fee.

On 10 July 2006, the USPTO charged of \$1, 460 (\$1100 for claims- extra total over 20 and \$360 for claims-multiple dependent) to applicant's deposit account. It is the \$992 amount for which applicant requests a refund.

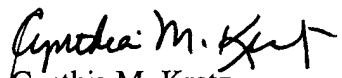
MPEP 1893 states that "A preliminary amendment accompanying the initial national stage submission under 35 U.S.C. 371 that is effective to cancel claims and/or eliminate multiple dependent claims will be effective to reduce the number of claims to be considered in calculating extra claim fees required under 37 CFR 1.492(d)-(e) and/or eliminate the multiple dependent claim fee required under 37 CFR 1.492(f). A subsequently filed amendment canceling claims and/or eliminating multiple dependent claims will not entitle applicant to a refund of fees previously paid. See MPEP § 607 and § 608.

A review of the application file indicates that a preliminary amendment was not filed with the request for entry into the national stage. Subsequently, on 16 June 2009, a preliminary amendment to the claims was filed. In light of MPEP 1893, the finance records for this application reveals the appropriate fees have been charged and the request for a refund is dismissed.

### CONCLUSION

Based on the above, the refund of the Request For Refund is **DISMISSED WITHOUT PREJUDICE**. A review of the USPTO finance records indicates that the appropriate fees have been charged thus far.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

  
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